

**Bountiful City
Planning Commission Minutes
January 20, 2015
6:30 P.M.**

Present: Chairman – Tom Smith; Planning Commission Members – Mike Allen, Dave Badham, Sean Monson, Sharon Spratley, and Von Hill; City Council Representation – Richard Higginson; City Attorney – Russell Mahan; City Engineer – Paul Rowland; City Planner – Chad Wilkinson; and Recording Secretary – Darlene Baetz

1. Welcome and Introductions.

Chairman Tom Smith opened the meeting at 6:30 pm and welcomed all those present.

2. Approval of the minutes for December 16, 2014.

Sharon Spratley made a motion to approve the minutes for January 3, 2015 as written with a correction to item 5. Correction should read “The Planning Commission and City Council will meet on January 13, 2015 at 6:00 for a working meeting to discuss the Senior Housing Moratorium. The Council will consider what modifications, if any, they may want to make to this policy.” Dave Badham seconded the motion. Voting passed 6-0 in favor with Sean Monson abstaining as he was not present at the meeting.

3. PUBLIC HEARING - Consider approval of a change to the Ordinance related to resubdivision of previously subdivided property.

Chad Wilkinson presented the staff report.

In 2002, the Council had made a decision that allowing lots within existing subdivisions to re-subdivide into smaller lots may not be a good idea. The Council then approved Resolution 2002-09 establishing a policy, though not a firm prohibition, against re-subdivision. This policy is about land in existing subdivisions, and is not about land that has never had an approved subdivision on it. It has particular importance where lots are larger than what is allowed by zoning (for example, a half acre lot where quarter acre lots are legal).

With most of the land in Bountiful already developed, there is pressure on large lots everywhere in the City to be re-subdivided into smaller parcels. This is true in the Val Verda area, on the hillside east of Bountiful Boulevard, and anywhere there is a large lot.

Staff recommends that the Planning Commission review the attached amendment to the subdivision ordinance and forward a recommendation to the City Council on whether to either:

1. Adopt the proposed ordinance amendment as written or with changes recommended by the commission; or
2. Rescind the existing policy.

Mr. Wilkinson clarified that this agenda item refers to the building of single family homes not apartments or townhomes in re-subdivided or previously subdivided property.

Russell Mahan presented the process of adopting ordinances for Bountiful City. The Land Use Ordinance contains the laws passed by the Bountiful City Council which govern the use of the land in the City; it has the rules about zoning, subdivision, house and yard requirements, etc. To amend the Land Use Ordinance the process is for the proposal to be reviewed and recommended by the Planning Commission who will make will a recommendation to the City Council. The City Council will then meet on January 27 with this item for consideration. These two meetings are Public Hearings which allows public and City input.

The Planning Commission will make a recommendation to City Council with one of the following options:

1. Adopt the Ordinance as written.
2. Adopt the Ordinance in a modified form.
3. Not Adopt the Ordinance in any form and rescind the 2002 policy.

The meeting tonight will not be to consider an action or recommendation of the previously reviewed proposed developments or the size of the homes on the lots.

In 2002, the Bountiful City Council adopted Resolution 2002-09, "A Resolution establishing the policy of the Bountiful City Council on the subject of vacating lots from subdivisions for the purpose of further subdivision into smaller lots." For seven reasons listed in the resolution, the Council adopted and has followed the finding that further dividing existing subdivision lots into smaller lots is "...as a general proposition, an undesirable form of development,...".

This policy was not added into the Land Use Ordinance, it was only a recommendation. Staff recommends that the Planning Commission adopt the policy or rescind.

Mr. Mahan presented the proposed Bountiful City Land Use Ordinance Amendment to Section 14-20-501 and clarified the rational of the proposal.

Chad Wilkinson reported that no other communities in Davis County have a prohibition on re-subdivision but all of them have policies relating to subdivision vacating, amending plat, zoning, and public hearings. He stated that this policy is city wide and not just for Val Verda area.

Chairman Smith opened Public Hearing at 6:55 p.m.

Jolynn Wilson – resides at 293 W 3100 S. She had concerns of properties that would be resubdivided and then rezoned. Bountiful City changed the zoning when the property of Val Verda was annexed into Bountiful City to R-4. Recently the zoning was changed to R-1 for a number of the properties to allow farm animals on a 1+ acre lot. She is interested in keeping the Val Verda area the way it is. (3 Handouts given to the Commission members and staff)

Debra Schulthies-Holt – property owner of 259 W 3100 S –Her father left the property R-4 zone to allow the family to build additional homes on it. The property is currently under contract with Brighton Homes to resubdivide.

Cory and Jan Peterson – resides at 187 W 3100 S. He is not in favor of changing the policy and would like to see the rural look of Val Verda kept the way it is. They love the charm and beauty of the open space.

Jennifer Jensen read a letter from Aric Jensen representative of Knowlton General. The letter has been attached to Ordinance 2015-XX file in the Planning Department.

Ron Marshall - resides at 73 W 2200 S. He has been involved in past developments with the city that were created with large lots. He believes that the City could adopt regulations/policy for different parts of the city and maintain the integrity of the areas and allow some resubdivision. Land owner should have the right to subdivide.

Gary Marsh – resides at 27 E 3100 S. He would like to keep the open space of the Val Verda area.

Kathy Thurston – resides at 333 E 3100 S. Bountiful has been a quiet beautiful place to live in – if we allow more density then we will have more traffic and crime.

Keith Koehler – resides at 3144 S Linden St. Concerned that 3100 South is currently too small for the existing traffic and would be worse if there was more development in the area.

Jim Kirkham - resides at 376 W 3100 S. The house needs to be updated and would like to improve the property and area by developing the property with Brighton Homes.

Paul Rowland discussed that in the Val Verda subdivision, the water would be served by South Davis. There will be a few drainage issues – there may be an increased amount of rain drainage during rain storms. Before the area was annexed to Bountiful, the County did not provide any storm drainage for 3100 South. There is potential improvement for 3100 South. South Davis Water has adequate culinary and secondary water to provide service to new development.

Steve Bennion – resides at 23 E 3400 S. He currently lives in a subdivided portion of the original Val Verda plat. He would like to urge the Planning Commission Members to recommend that the Ordinance be adopted. Mr. Bennion discussed the history of the Val Verda area. The positive aspects of the Val Verda area include open space, farm animals, historical homes, and the arch which has been a draw for many folks.

Bob Lindsay – property owner of 50 E 3100 S. The policy statement does not address in the cooperative efforts between property owners for subdividing. Mr. Lindsay would like to recommend that the Val Verda property be changed to R-3 to increase the minimum lot size requirements. A well planned street can be a benefit in an updated area. The property owners have a right to productive use of the property and the projects should be on a case by case basis.

Taylor Spendlove - representing Brighton Homes. Potential homebuyers should look at the zoning when purchasing property. The proposed policy recommendations will affect the existing zone. The underlying zone should dictate the property uses.

Neil Moss 3218 S 200 W – Agrees with the proposed policy.

Shelly Schulthies-Preece – property owner of 259 W 3100 S. She is a Davis County Resident who loves Bountiful and wants to see the best for the area.

Chairman Smith Closed Public Hearing 7:37 p.m.

Staff mentioned that the properties in the Val Verda area were annexed from the County. Bountiful City zoned the area R-4 equivalent to the R-1 existing zoning in the County. Several subdivisions were put in by the County prior to the annexation to Bountiful. Rezoning/downzoning a property requires a Public Hearing.

Von Hill – We need to focus on the policy for the entire city. Adopting this policy would preclude any development that has a road and may include other consequences. He believes that the landowner should have land rights. He doesn't feel that changing the policy in one area and not the other area is the right way to handle it. One option might be to have a Val Verda overlay but don't put this onto the rest of the City.

Mike Allen stated that the City not adopt the policy and would like to see a zoning answer. He suggests that we have a study moratorium on the Val Verda area for 6 months.

Richard Higginson – Assures the public that the City is not advocating for more revenue. There is not a pressure on the City to add more homes for tax revenue. The effective way to control the proposed policy should be in the way of zoning. He would like to see the ordinance discontinued and would recommend a 6-month moratorium on further development of the Val Verda area.

Committee Members discussed that most new home owners don't look at the current zoning for their property. They don't know if they are in a subdivision or in metes and bounds

Thomas Smith – We are in favor of preserving the Val Verda area maybe this is not the right tool or it could be amended. Val Verda is a unique place that needs to be preserved.

Von Hill made a motion to recommend to the City Council that we rescind the policy with the recommendation of the adoption of Ordinance amendment that includes the language in Section 14-20-501 #C3. Richard Higginson seconded the motion. Mike Allen, Richard Higginson, Von Hill, and Sharon Spratley voted in favor. Thomas Smith, Dave Badham, and Sean Monson voted against. Voting was 4-3 in favor of the motion.

Mike Allen made a motion to recommend to the City Council that we place a 6-month moratorium on the re-subdivision in the development of the Val Verda recommending that staff look at downzoning, overlay zone, giving the City the time to place a plan for the Val Verda area. Sean Monson seconded the motion. Voting was 7-0 in favor.

7. Planning Director's report, review of pending applications and miscellaneous business.

1. Training dates – February 17, 2015 at 5:00.
2. Next Planning Commission meeting to be held on February 3.
3. Upcoming agenda items.

Chairman Smith ascertained there were no other items to discuss. The meeting was adjourned at 8:30 pm.


Chad Wilkinson, City Planner